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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PRICE *et al.*

Appl. No. 09/390,634

Filed: September 7, 1999

For: **Method for Expanding
Embryonic Stem Cells in Serum-
Free Culture**

Confirmation No. 7270

Art Unit: 1632

Examiner: Woitach, J.

Atty. Docket: 0942.4190002/RWE/FRC

Declaration of Mary Lynn Tilkins Under 37 C.F.R. § 1.132

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, the undersigned, Mary Lynn Tilkins, declare and state that:

1. I am currently employed as a Staff Scientist at Invitrogen Corporation, GIBCO division, 3175 Staley Road, Grand Island, NY 14072 and am named as an inventor on the above-captioned patent application. A copy of my *curriculum vitae* is attached hereto as Exhibit B.

2. I have read and am familiar with the above-captioned patent application, including the specification, drawings and claims therein.

3. I have read and am familiar with the Office Action (Paper No. 19) issued on March 12, 2002, and the Advisory Action (Paper No. 24) issued on June 24, 2002, in which the Examiner made certain comments relating to KNOCKOUT™ SR serum replacement. I wish to offer the following remarks concerning the Examiner's comments.

Considered
10/10/02 gw

4. The product KNOCKOUT™ SR (Invitrogen Corporation) is a product that is relevant to at least one embodiment of the invention described in the above-captioned patent application. KNOCKOUT™ SR can be used in conjunction with methods and compositions encompassed by one or more of the claims currently pending in the application.

5. KNOCKOUT™ SR was originally tested for use with mouse cells, especially mouse embryonic stem cells.

6. KNOCKOUT™ SR is made and sold by Invitrogen Corporation and has been used successfully by researchers in the art to culture primate cells, including stem cells of human origin.

7. The references designated Exhibits A, C, D, F and H that were submitted to the U.S. Patent and Trademark Office with the Reply Under 37 C.F.R. § 1.111, filed on June 12, 2002, each describe the use of the same KNOCKOUT™ SR product as is described in the above-captioned patent application.

8. The references designated A, C, D, F and H demonstrate the successful use of KNOCKOUT™ SR, a product previously shown to be effective in culturing mouse embryonic stem cells, in culturing primate embryonic stem cells including embryonic stem cells of human origin.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issued thereon.

Respectfully submitted,


Mary Lynn Tilkins

Date: 10/17/02